

1 TRISH M. HIGGINS (State Bar No. 119215)  
2 ORRICK, HERRINGTON & SUTCLIFFE LLP  
3 400 Capitol Mall, Suite 3000  
4 Sacramento, CA 95814-4497  
5 Telephone: 916-447-9200  
6 Facsimile: 916-329-4900

7 MICHAEL D. WEIL (State Bar No. 209056)  
8 ORRICK, HERRINGTON & SUTCLIFFE LLP  
9 The Orrick Building  
10 405 Howard Street  
11 San Francisco, CA 94105-2669  
12 Telephone: 415-773-5700  
13 Facsimile: 415-773-5759

14 Attorneys for Defendant  
15 Morgan Stanley & Co., Inc.  
16 (f/k/a Morgan Stanley DW, Inc.)

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 FISHER INVESTMENTS, INC., a California  
21 corporation,

22 Plaintiff,

23 v.

24 MORGAN STANLEY DW, INC., a  
25 Delaware corporation, and DOES 1-10,  
26 inclusive,

27 Defendants.

Case No. C 07 2547 JCS

**DECLARATION OF SERVICE  
BY MAIL**

**DECLARATION OF SERVICE BY MAIL**

I am a citizen of the United States, more than eighteen years old and not a party to this action. My business address and place of employment is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669.

On September 20, 2007, I served upon plaintiff Fisher Investments, Inc. the following documents:

**STIPULATION AND [PROPOSED] ORDER CONTINUING DUE DATE  
OF DEFENDANT MORGAN STANLEY & CO., INC.'S (F/K/A MORGAN  
STANLEY DW, INC.) RESPONSE TO PLAINTIFF'S COMPLAINT**

by placing true and correct copies thereof in sealed envelopes addressed as follows:

Scott Metzger  
Anna F. Roppo  
Duckor Spradling Metzger & Wynne  
3043 4th Avenue  
San Diego, CA 92103

I am employed in the county from which the mailing occurred. On the date indicated above, I placed the sealed envelopes for collection and mailing at this firm's office business address indicated above. I am readily familiar with this firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the firm's correspondence would be deposited with the United States Postal Service on this same date with postage thereon fully prepaid in the ordinary course of business.

Executed on September 20, 2007, in the City and County of San Francisco, State of California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
/s/ Rica Guerzon

Rica Guerzon